

Holiday Activities

The time of year for holiday celebrations is approaching, a season to enjoy with your friends, family and co-workers. In order to keep these events enjoyable, there are some workplace ground rules that should be observed. Our Office presented many of these issues during our Annual Ethics Training; however, we did not cover all of them, and not at the same level of detail as this Advisory.

Before addressing specific issues, I must point out that we need to be sensitive to the fact that not all of us celebrate the same holidays. What we call the celebration, how we refer to the season, and our greetings to one another should reflect this. At times, generic holiday references may be the most appropriate greeting.

Use of Government time.

Some holiday celebrations may occur on Government time, but only up to a point. Time taken for an actual event -- perhaps a "pot luck" in the office, or a luncheon at a restaurant--is not typically an issue. However, preparation for these events can create issues. Supervisors may permit some use of duty time for preparations. However, preparing holiday events should not become a significant part of any employee's duties. Examples:

A committee of employees should not spend two duty days visiting potential restaurants to explore facilities and menus, followed by another two days worth of time to inform the group, obtain votes, and develop consensus, followed by another trip to make final arrangements. On the other hand a few telephone calls during the day requesting faxes from restaurants, a couple of short planning discussions in the office, and visiting one or two restaurants during lunch would be permissible.

A decorations committee should not spend a duty day visiting party shops, followed by another workday organizing decorations. However, a brief planning session on Government time, followed by a few telephone calls to party shops, with visits and purchases made after duty hours, and with decorations made during lunch periods or after the duty day, would be permissible.

Fundraising.

Your office may decide they want to raise money to reduce the cost of a holiday event. The general rule is "no fundraising in the Federal workplace." However, there is an exception for office events:

The DoD Joint Ethics Regulation, 5500.7-R, permits employees to raise money among their members for their own benefit when approved by the head of the organization and the Ethics Counselor. For example, employees could have a bake sale to reduce the cost of tickets for the office holiday celebration. Use the following checklist for such events:

Keep it low key.

Use minimal Government time. No duty time should be used to bake or purchase cookies. Some minimal time during the day may be used to plan the sale. Employees conducting the sale should do so on their personal time.

Government equipment, such as computers and printers, may be used at no cost to the Government. Items, such as placards and announcements, may not be ordered from the audio-visual office. Use of Government resources should be of reasonable duration and frequency.

Do not solicit outside sources (such as employees of support contractors) to contribute baked goods.

Contractor employees and visitors who become aware of the bake sale may purchase items. The important thing is that we do not personally solicit them, or engage in solicitation that targets them.

Outside sources (local restaurants, car dealerships, department stores, professional associations, and contractors) may not be solicited for donations, to include door prizes.

Raffles may not be used to raise money for office functions.

Contractor Employees.

Contractor employees may attend our celebrations. However:

There should be no official encouragement for someone else's employees to leave their workplace. We can let it be known that they may attend and will be a welcome part of the event.

Contractor employee time off, and the nature of the time off (leave, personal day, administrative absence) are between the contractor and its employees. When a contractor's employee is absent, the contractor cannot bill for services not delivered, and may have concerns about issues such as contract schedules, delivery dates, and other matters. Accordingly, the contractor must decide if, and under what conditions, its employees may be absent.

Contractor employees may not be tasked, or asked to volunteer, to organize holiday events.

Gifts.

Gifts among employees may be exchanged during the holiday season. However, be mindful of appearances. It requires good judgment to avoid creating the perception of partiality or favoritism. Gift-giving in the workplace should be even-handed and democratic in spirit. No one should be left out. Some specific rules apply:

The value of a holiday gift to a superior is limited to \$10 and you may not solicit contributions from other employees. There are no restrictions on gifts to peers and subordinates.

We may not accept a gift from anyone who makes less money than we do as a Federal employee, unless there is no superior-subordinate relationship, and there is a personal relationship that would justify the gift. Again, the exception would be for a gift where the value does not exceed \$10, with no soliciting of contributions from other employees.

We may have a gift exchange among employees. If it is an anonymous exchange, a reasonable value should be established for the individual gifts. (If it is not anonymous, \$10 is the limit.) If contractor employees are participating in an anonymous gift exchange, they should be held to the same gift limit as Federal employees (even though limit on gifts from contractor employees is \$20 per occasion and no more than \$50 in the aggregate for the calendar year).

Attendance at Parties.

All employees and contractor employees are free to attend a private party hosted by a Federal employee. Food, refreshments and entertainment may be shared and enjoyed. Subordinates may bring hospitality gifts, such as a bottle of wine, but they must not be lavish. Hospitality gifts are not strictly limited to \$10 in value, but this should be a guide. However, hospitality gifts from contractor employees are strictly limited to \$20 in value. Ideally, hospitality gifts will be edible.

Federal employees may accept free attendance at a private party hosted by a contractor or a contractor employee if any of the following conditions apply. If

none apply, then the invitation must be declined or the employee must pay for attendance.

The average cost per guest does not exceed \$20.

The invitation is based on a bona fide personal relationship with the contractor employee--not just a congenial office relationship.

The party qualifies as a "widely-attended gathering"--that is, there will be more than 20 attendees representing a diversity of views and backgrounds, and the employee's supervisor determines (after consulting with the Ethics Counselor) that it is in the agency's interest for the employee to attend.

The contractor is having an open-house, open to the public or to all Government employees or military personnel in the area.

The invitation is offered to a group or class that is not related to Government employment, such as all GEICO, PFCU or USAA customers.

You have been assigned to represent the Army at an official function (such as an embassy event).

You may accept free attendance at a party hosted by someone who is not a prohibited source (that is, someone who does not do business with the Army) as long as no one in attendance is being charged for the event.

Holiday Greetings:

Appropriated funds may not be used to purchase holiday greeting cards. Subordinates may not be given the task of preparing or addressing personal greetings. Finally, official resources--including paper, printers, envelopes and postage--may not be used for holiday greeting cards.

DoD 4525.8-M, *DoD Official Mail Manual*, 30 Jul 87, Chapter 3, para. P9, does authorize organizations to use appropriated fund postage for holiday greetings when required for international diplomacy.

Electronic greeting cards with digital photographs, video, sound, or other large file attachments may not be transmitted on official Army systems. Further, sending such messages with executable attachments, including files that end in "exe" or "jgb," (such as Santa Bowling for Dwarves) or opening such attachments is not appropriate. This prohibition does not apply to transmitting or sharing "hot links" to holiday greeting sites.

Alcohol.

Consistent with paragraph 2-5, AR 600-85, *Alcohol and Drug Abuse Prevention and Control Program*, official and unofficial functions will not encourage or glamorize consumption of alcohol, and alcoholic beverages may not be given as prizes.

Conclusion.

Employees may plan and participate in holiday events. And, while some limited use of Government resources and time is permitted, we must use common sense and good judgment. If you have any questions, contact me at 617-8003.

Robert H. Garfield
Associate Command Counsel for Ethics